HIGH COURT OF ANDHRA PRADESH:: HYDERABAD

MAIN CASE No: W.P.No.19273 of 1997

PROCEEDING SHEET

SL. NO.	DATE	ORDER	OFFICE NOTE
20.	06.09.2011	**RSR, J** **REVIEW W.P.M.P.No.10905 of 2011** This Review WPMP is filed by the respondents in Writ Petition No.19273 of 1997 seeking to review order, dated 15.02.2007 passed in Writ Petition No.19273 of 1997. The Writ Petition was filed by the deceased first respondent herein questioning order, dated 26.07.1997, passed by the second petitioner herein - Joint Collector, Karimnagar, confirming order, dated 02.02.1996, passed by the third petitioner herein - Sub-Collector, Jagtial, Karimnagar, for resumption of land to an extent of Acs.3.05 guntas covered by Survey No.465 of Mothe Village, Jagtial Mandal, Karimnagar District. The land in question is a Khairathi inam and is in possession of ten individuals pursuant to the lease granted. So far as the respondents are concerned, they are claiming an extent of Ac.0.23 guntas of land. It is the case of respondents 2 to 4 herein that their father, who is the writ petitioner and the first respondent herein, came into possession of the land pursuant to a registered lease deed executed by the inamdar, by name, Anantha Krishnamachary. It is stated that their father also constructed a building on the part of it. At that stage, referring to certain complaints, the third petitioner has initiated proceedings for eviction/resumption of total land. In response to the show cause notice issued, the writ petitioner submitted a reply stating that he is in possession of land to an	

SL. NO.	DATE	ORDER	OFFICE NOTE
		extent of Ac.0.23 guntas, where structures are raised. It is the case of respondents 2 to 4 that as much as the constructions have come up, it is not an agricultural land, it vests with them and they are entitled to hold the same. It is also their case that in any event, as their father/writ petitioner was in possession of the land from the date of lease granted in 1951, they are entitled to issuance of Occupancy Right Certificate, as they fulfill the definition of kabiz-e-kadim. The primary authority mainly on the ground that the writ petitioner was not in possession prior to 20.07.1955, ordered resumption of entire land, vide order, dated 02.02.1996. When the said order was confirmed by the appellate authority, the deceased first respondent herein, who is the father of respondents 2 to 4 herein, challenged the same in the Writ Petition. This Court by order, dated 15.02.2007, allowed the Writ Petition mainly relying on the judgment rendered in the case of **B.RAMENDER REDDY v. DISTRICT COLLECTOR** (1993(2) An.W.R. 84 (D.B.)), wherein the Division Bench of this Court held that the date for the purpose of granting Occupancy Right Certificate is to be reckoned as 01.11.1973 but not 20.07.1955, and also the judgment reported in the case of **S.VEERA REDDY v. CH.CHANDRAIAH** (1995(2) ALT 172 (D.B.)). In this review petition, it is contended by the learned Government Pleader for Revenue appearing for the review petitioners that as much as the respondents are claiming tenancy from the inamdar in 1951 in the absence of any proof of possession prior to the date of vesting i.e. 20.07.1955, they are not entitled to issuance of Occupancy Right Certificate. It is submitted that in any event, respondents 2 to 4 herein are not entitled to retain the vacant land other than the land where their father/writ petitioner built	

SL. NO.	DATE	ORDER	OFFICE NOTE
		land, where their father/Writ petitioner built the structures. Sections 4 to 8 of the Andhra Pradesh (Telangana Area) Abolition of Inams Act, 1955 (for short 'the Act'), provide for registration of various categories of persons as occupants after abolition of inams. In this case, it is not in dispute that the land in question is a Khairathi inam, which is covered by the provisions of the Act. The expression 'kabiz-e-kadim' is defined under Section 2(e) of the Act and it reads as under: "kabiz-e-kadim means the holder of inam land, other than an inamdar, who has been in possession of such land at the time of the grant of inam or has been in continuous possession of such land for not less than twelve years before the date of vesting and who pays the inamdar only the land revenue." When this Court allowed the Writ Petition in view of the judgments rendered in the cases of **B.RAMENDER REDDY** (1 supra) and **S.VEERA REDDY** (2 supra), wherein the Division Bench of this Court took the view that for the purpose of vesting, 01.11.1973 is to be reckoned for grant of Occupancy Right Certificate, and when the possession of the writ petitioner/father of respondents 2 to 4 herein by virtue of lease from the inamdar in 1951 is not in dispute, it can be said that respondents 2 to 4 herein are entitled to issuance of Occupancy Right Certificate in their favour under the provisions of the Act. In that view of the matter, I do not find any error apparent on the face of the record so as to review order, dated 15.02.2007 passed in Writ Petition No.19273 of 1997. This review WPMP is accordingly	

SL. NO.	DATE	dismissed. ORDER	OFFICE NOTE
		06.09.2011 ***kvni***	Transferred to i.o. folder. kvni

-